IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 10512 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE C.K.BUCH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

ABANBEN RUSHI PARABIA,

Versus

STATE OF GUJARAT

Appearance:

1. Criminal Misc.Application No. 10512 of 2003

MR HORMAZ B SHETHNA for Petitioner No. 1-3

MR AY JOGJE, APP for Respondent No. 1

MR SK BRAHMBHATT for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE C.K.BUCH

Date of decision: 27/10/2004

ORAL JUDGEMENT

Heard ld. counsel appearing for the parties. Affidavit-in-reply filed by respondent No.2 tendered by ld. counsel Mr. Pardiwala along with annexures is taken on record.

It is jointly submitted by ld. counsel appearing

for the parties that the parties have settled and compounded the matter out of Court and matrimonial disputes cropped up between the parties have been redressed by compromise. Memorandum is arrived at between the parties on 06.10.2004 at Surat giving details of the compromise arrived at between the parties. Of course, the copy of the memorandum is produced and it is submitted that the parties have compounded accordingly.

In view of settled legal position, this Court can terminate the proceedings in such or similar cases where parties have settled the matrimonial disputes. One of the parties is intending to proceed abroad (Australia) and, therefore, at the request of ld. counsel appearing for the parties, this matter is taken up today for final disposal.

Hence, Rule. Ld. APP Mr. AY Kogje appears and waives service of Rule for respondent No.1 State and ld. counsel Mr. Pardiwala appears for ld. counsel Mr. Brahmbhatt for respondent No.2 and waives service of Rule for respondent No.2. Rule is fixed forthwith.

Having considered the fact that parties have separated and taken divorce on agreed terms and the complainant is not desirous to prosecute the complaint any further i.e. I.CR No. 161/2002 registered with Raopura Police Station, the said complaint can be quashed and proceedings can be terminated.

In view of above, complaint being I.CR No.161/2002 registered with Raopura Police Station is hereby quashed and consequently the proceedings initiated on the strength of I.CR No.161/2002 pending in the Court of ld. JMFC, Vadodara are also hereby terminated.

Rule is made absolute. D.S. Permitted.

[C.K. BUCH, J]

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